

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2431 of 2023

Applicant :- Ram Lal

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Deptt.
Of Home Lko. And Another

Counsel for Applicant :- Satyendra Kumar Tiwari, Yaduvansh
Mani Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Satyendra Kumar Tiwari, the learned counsel for the applicant and Sri Anant Pratap Singh, the learned AGA for the State and perused the records.
2. The instant application has been filed by the applicant seeking anticipatory bail in Case Crime No. 105 of 2023, under Sections 419, 420, 467, 468, 471 & 409 IPC, Police Station Jamo, District Amethi.
3. The aforesaid case has been registered on the basis of an FIR lodged on 19.04.2023 against the applicant, who was the then Gram Pradhan and the then Technical Assistant in Gram Sukhi Bajgarh, stating that in the year 2013-14, a kuchha rasta was made, which work was shown as having been completed on the website of MGNREGA. It is alleged that as against the estimated cost of work amounting to Rs. 64,000/- only, an amount of Rs. 9.351 lakh was paid, which falls in the category of serious financial irregularity.
4. In the affidavit filed in support of the application, it has been stated that as against the estimated cost project cost of Rs. 64,000/-, the project was completed at an expense of merely Rs. 39,200/- and only the aforesaid amount was paid against the project on 13.07.2013. The particulars of expenses and payment made has been given in the affidavit filed in support of the application. It has also been submitted on behalf of the applicant that the co-accused Ravendra Kumar Srivastava has already been granted anticipatory bail by this court by means of an order dated 15.09.2023, passed in Criminal Misc.

Anticipatory Bail Application No.1993 of 2023.

5. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the work in question was carried out way back during the year 2013-14 whereas the FIR has been lodged on 19.04.2023 and there is absolutely no explanation for the delay; that the applicant claims that as against the sanctioned cost of Rs. 64,000/- the project was completed in merely Rs. 39,200/-; that the applicant is having no criminal history, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant.

6. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of **applicant-Ram Lal** before the learned Trial Court in the aforesaid complaint case, he shall be released on anticipatory bail on his furnishing personal bond and two solvent sureties, each in the like amount, to the satisfaction of S.H.O./Court concerned on the following conditions and subject to any other conditions that may be fixed by the Trial Court:

(i). That the applicant shall appear before the trial court on each date fixed, unless personal presence is exempted;

(ii). That the applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence;

(iii). That the applicant shall not pressurize/ intimidate the prosecution witness.

Order Date :- 1.11.2023

Ram.